

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated August 22, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-14 are pending in the Application. Claims 10-14 are added by this amendment. By means of the present amendment, claims 1-9 are amended including for better conformance to U.S. practice, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Further amendments include correcting typographical errors, amending dependent claims to begin with "The" as opposed to "A" as well as correcting certain informalities noted upon review of the claims. By these amendments, claims 1-9 are not amended to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents. Applicant furthermore reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

Applicant thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, claim 4 is objected to because it is alleged that claim 4 fails to limit the subject matter of a previous claim. Claim 4 is amended herein to cure the noted deficiency. Accordingly, withdrawal of the objection to claim 4 is respectfully requested.

Claims 1-9 are rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. It is respectfully submitted that the amendments noted above to place these claims in proper U.S. form obviates these rejections. Accordingly, it is respectfully submitted that claims 1-9 are in proper form and it is respectfully requested that this rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

In the Office Action, claims 1-9 are rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,725,395 to Ono ("Ono") in view of U.S. Patent No. 6,918,001 to Ueno ("Ueno"). It is respectfully submitted that claims 1-14 are allowable over Ono in view of Ueno for at least the following reasons.

Ono shows a system wherein (emphasis added) "defective sectors are re-assigned to alternative sectors in one of the inner and outer alternative sector areas if they are within a given distance from one another ..." (See, Ono, FIG. 1 and Col. 3, lines 8-11.) In other words, Ono merely shows reassigning defective tracks.

Ueno is cited for allegedly showing storing address entries.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Ono in view of Ueno. For example, Ono in view of Ueno does not disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "storing first user data, determined for storage in a first user storage unit denoted as a defective storage unit, in a first alternate storage unit, storing second user data, determined for storage in a second user storage unit that is not a defective storage unit, in a second alternate storage unit, and storing address entries of said first and second alternate storage units in a defective storage unit list to be used for accessing said first and second user data instead of address entries of said first and second user storage units" as recited in claim 1, and as similarly recited in each of claims 6, 7, 8 and 9. As is clear from Ono, Ono merely shows reassigning defective

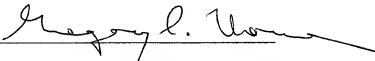
tracks. Ueno is cited for allegedly showing other elements of the claims and as such, does nothing to cure the deficiencies in Ono.

Based on the foregoing, the Applicant respectfully submits that independent claims 1, 6, 7, 8 and 9 are patentable over Ono in view of Ueno and notice to this effect is earnestly solicited. Claims 2-5 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicant has made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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